

051904

22703 U.S. PTO

**TRANSMITTAL OF  
UTILITY  
APPLICATION  
UNDER 37  
C.F.R. §1.53**

Attorney Docket No.

17248-004002 (4804B)

First named inventor

Aladar Szalay

Express mail label #

EV 471528587 US

Date of mailing

May 19, 2004

16834 U.S. PTO  
10/163,763

051904

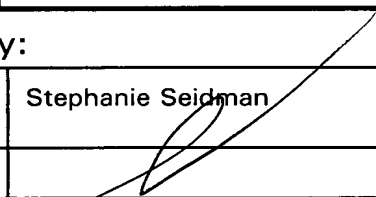
Application Elements		Accompanying Application Papers	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form</p> <p>2. <input checked="" type="checkbox"/> Specification containing <u>25</u> pages (including cover page, claims and Abstract).</p> <p>a. Title: LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED TISSUE</p> <p>b. Number of claims: <u>32</u></p> <p>3. <input checked="" type="checkbox"/> <u>7</u> sheets of formal drawings with <u>7</u> Figs.</p> <p>4. <input checked="" type="checkbox"/> Copy of Combined Declaration and Power of Attorney filed in parent application, 2 pages</p> <p>5. <input type="checkbox"/> Sequence Listing <input type="checkbox"/> Paper copy (identical to computer copy) <input type="checkbox"/> Computer readable copy <input type="checkbox"/> Verified statement</p>		<p>6. <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Copy of Transmittal Letter and Petition for Automatic Extension of Time filed under separate cover in Atty Docket No. 17248-004001 (4804), U.S. Serial No. 10/163,763, to claim copendency, 1 page</p> <p>7. <input checked="" type="checkbox"/> Copy of assignments from parent application, 6 pages</p> <p>8. <input checked="" type="checkbox"/> Small Entity Status is claimed</p> <p>9. <input checked="" type="checkbox"/> Power of Attorney By Assignee and Certificate Under 27 C.F.R. Section 3.73 (b), 2 pages</p> <p>10. <input type="checkbox"/> Preliminary Amendment</p> <p>11. <input checked="" type="checkbox"/> Return Receipt Postcard</p>	
		<b>SIGNATURE OF ATTORNEY/AGENT</b>	
		FISH & RICHARDSON P.C.	
		Stephanie Seidman Registration Number: 33,779	
<p><input checked="" type="checkbox"/> This application is a continuation (and claims the benefit of priority under 35 U.S.C. Section 120) of U.S. application serial no. 10/163,763, filed June 5, 2002. The disclosure of the prior application is considered part of (and is incorporated by reference in) the disclosure of this application.</p>			
<b>CORRESPONDENCE ADDRESS</b>			
NAME	Stephanie Seidman Registration No. 33,779 FISH & RICHARDSON P.C.		
Address	12390 El Camino Real, San Diego, CA 92130-2081		
	Telephone: (858) 678-5070	Facsimile: (202) 626-7796	

<b>FEE TRANSMITTAL ACCOMPANYING UTILITY APPLICATION UNDER 37 C.F.R. §1.53</b>	Attorney Docket No.	17248-004002 (4804B)
	First named inventor	Aladar Szalay
	Express mail label #	EV 471528587 US
	Date of mailing	May 19, 2004

#### FEE CALCULATION FOR CLAIMS AS AMENDED

a)	Basic Fee	\$ 770.00
b)	Independent Claims <u>3</u> - 3 = <u>0</u> x \$ 86.00	\$ <u>0.00</u>
c)	Total Claims <u>12</u> - 20 = <u>0</u> x \$ 18.00	\$ <u>216.00</u>
d)	Fee for Multiple Dependent Claims - \$290.00	\$ <u>0.00</u>
<b>TOTAL FILING FEE</b>		<b>\$ <u>986.00</u></b>

- [X] Status as Small Entity is claimed,  
reducing Fee by one-half to \$493.00
- [X] A check in the amount of \$493.00 to cover the fee for filing the application.
- [ ] Charge \$    .00 to Deposit Account No. 06-1050.
- [X] The Commissioner is hereby authorized to charge any fees that may be required in this application under 37 C.F.R. §§ 1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1050. If proper payment is not enclosed, such as a check in the wrong amount, unsigned, post-dated, otherwise improper or informal, or absent, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050 during the entire pendency of this application. This sheet is filed in duplicate.

CORRESPONDENCE ADDRESS			
NAME	Customer No. 20985 Stephanie Seidman Registration No. 33,779 FISH & RICHARDSON P.C.		
Address	12390 El Camino Real, San Diego, CA 92130-2081		
	Telephone: (858) 678-4777	Facsimile: (202) 626-7796	
Submitted by:			
Typed or printed name	Stephanie Seidman		Reg. Number
Signature		Date	05/19/04
		Deposit Account	06-1050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar Szalay et al.  
Serial No. : 10/163,763  
Filed : June 5, 2002  
Cust. No. : 20985

Art Unit : 1632  
Examiner : Robert M. Kelly  
Conf. No. : 9889

**COPY**

Title : LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND  
THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED TISSUE

Mail Stop Amendment  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER AND PETITION FOR AUTOMATIC EXTENSION**

Dear Sir:

Transmitted herewith are a Petition for Automatic Extension, a check (\$1,005.00) for the fee for a Five (5) months extension of time, responsive to the Restriction Requirement mailed on November 19, 2003, a copy of the Power of Attorney By Assignee and Certificate Under 37 C.F.R. §3.73(b) filed on May 17, 2004, and a return postcard for filing in connection with the above-captioned application. A continuation application is being filed under separate cover on the same day herewith to retain copendency with this application. If a Petition for extension of time is needed, this paper is to be considered such Petition.

**Extension fee for a Five (5) month extension of time:**



By a small entity.....\$1,005.00



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

\_\_\_\_\_  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17248-004001 (4804)

**Address all correspondence to:**

Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
email: seidman@fr.com  
10397435.doc

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number EV 471528560 US  
Date of Deposit May 19, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

\_\_\_\_\_  
Stephanie L. Seidman